

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RICHARD A. FOWLKES,

Case No. C-3-04-441

Plaintiff,

-vs-

District Judge Thomas M. Rose

**NATIONAL ARCHIVE AND
RECORDS ADMINISTRATION, et al.,**

Magistrate Judge Sharon L. Ovington

Defendants.

**ENTRY AND ORDER ADOPTING REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE
JUDGE (Doc. # 46) IN THEIR ENTIRETY**

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. # 46) to whom this case was referred pursuant to 28 U.S.C. § 636(b), and, noting that no objections have been filed thereto and that the time for filing such objections under Fed.R.Civ.P. 72(b) has expired, hereby ADOPTS said Report and Recommendations in its entirety. It is therefore ORDERED that Defendant AFGE's Motion To Dismiss (Doc. #38) is GRANTED and Plaintiff Richard A. Fowlkes' claims against AFGE are DISMISSED for lack of subject matter jurisdiction.

DONE and ORDERED in Dayton, Ohio, this Eighth day of December, 2006.

s/Thomas M. Rose

**THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE**

Copies furnished to:

Counsel of Record